

APPEAL NO. 031103
FILED JUNE 16, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 8, 2003. The hearing officer determined that the appellant's (claimant) _____, compensable injury does not extend to and include an injury to the cervical spine and bilateral shoulders. The claimant appealed, asserting the hearing officer's determination is against the great weight of the evidence. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on _____, in the form of a hernia. At one point, the claimant testified that he felt pain in his neck and shoulder at the same time he suffered the hernia. Later, the claimant testified that the neck and shoulder pain did not commence until some time after the initial injury. The claimant was initially seen by a company doctor on March 22, 2001. The report from that examination makes no mention of the neck and shoulders. The claimant testified that he didn't mention these body parts because he thought it was just a strain. The first mention in the medical records of neck and shoulder pain comes on April 12, 2001, when the claimant saw the doctor he selected to treat him. In reaching her decision in this case, the hearing officer determined that the claimant was not persuasive or credible.

We have reviewed the complained-of determination and find that the hearing officer's Decision and Order is supported by sufficient evidence to be affirmed. The disputed issue presented a question of fact for the hearing officer. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a); Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). There was conflicting evidence presented on the disputed issue. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). Nothing in our review of the record reveals that the hearing officer's determination is so contrary to the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to reverse that determination on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **LIBERTY MUTUAL FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEMS
350 NORTH ST. PAUL STREET, SUITE 2900
DALLAS, TEXAS 75201.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Veronica Lopez-Ruberto
Appeals Judge